

EXECUTIVE ORDER NUMBER 2004-01

BY THE MAYOR

DIRECTING THAT THE BUREAU OF PLANNING ACCEPT NO APPLICATIONS FOR PERMITS TO OPERATE PERSONAL CARE HOMES UNTIL SUCH TIME AS THE CITY COUNCIL HAS TAKEN FINAL ACTION ON AN ORDINANCE PROPOSING THE INSTITUTION OF THE INTERIM CONTROLS ON THE ISSUANCE OF SUCH PERMITS UNTIL AN AMENDMENT TO THAT PART OF THE ZONING CODE APPLICABLE TO PERSONAL CARE HOME HAS RECEIVED FINAL ACTION OF THE CITY COUNCIL.

WHEREAS, Ordinance 03-O-0060 placed interim controls on the acceptance of permits for the operation of Personal Care Homes, for the purpose of: updating the Personal Care Home Map in the Bureau of Planning; creating and adopting new procedures for the processing of such applications; and proposing and adopting amendments to the Zoning Ordinance updating the terms and definitions associated with Personal Care Homes; and

WHEREAS, the Bureau of Planning created the Personal Care Home Committee ("PCHC") to accomplish those tasks; and

WHEREAS, Ordinance 03-O-1361, which continued interim controls on personal care homes, will expire or has expired on January 30; and

WHEREAS, a new ordinance placing interim controls on the acceptance of permits for the operation of Personal Care Homes, is proposed for introduction at the February 2, 2004 meeting of the Atlanta City Council for those same purposes and prior to the time that final action of the City Council can be taken, there exists the strong possibility that numerous applications would be filed with the Bureau of Planning circumventing the purposes of the interim controls; and

WHEREAS, the PCHC has completed the majority of its work and has substantially completed an ordinance amending the present zoning ordinances applicable to personal care homes, which is to be introduced at the February 2 or February 16 meeting of the City Council; and

WHEREAS, the City Code provides that text amendments of the type proposed for the regulation of Personal Care Homes requires review by neighborhood planning units and a public hearing before the Zoning Review Board; and

WHEREAS any Personal Care Home applications accepted before the proposed amendments become effective would be analyzed under the current regulations imposed by the City of Atlanta Zoning Ordinance unless an executive order is issued which directs the Bureau of Planning that no such applications can be accepted until the final action of the City Council on the ordinance

which imposes interim controls until the final action of the City Council on the proposed amendment to the zoning ordinances applicable to such applications ;

WHEREAS, pursuant to Section 2-182 of the Code of the City of Atlanta, the Mayor may issue executive orders which apply to events of short duration and which expire at the next meeting of City Council subsequent thereof unless ratified by a majority vote of the members present and voting; and

WHEREAS, there is an urgent need, substantially related to the public health, safety and welfare, that interim controls on the acceptance of permits for Personal Care Homes be in place and that the purpose of the interim controls not be circumvented until such time as final action on the interim control ordinance can taken by the City Council; and

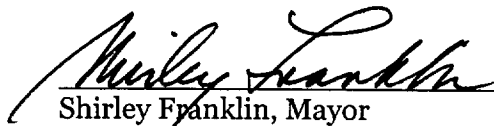
WHEREAS, this executive order will be for a brief and specific period of time which shall be from February 2, 2004 until no later than February 16, 2004.

I, SHIRLEY FRANKLIN, AS MAYOR OF THE CITY OF ATLANTA, NOW HEREBY AUTHORIZE, ORDER AND DIRECT AS FOLLOWS:

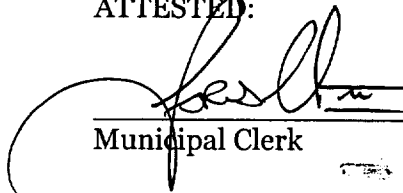
As of February 2, 2004 the Bureau of Planning is hereby authorized, ordered and directed to refuse to accept for review or consideration any applications submitted for the purpose of permitting the operation of Personal Care Homes.

This order shall remain in effect until such time as an ordinance instituting the interim controls on Personal Care Homes is approved or adversed by the Atlanta City Council, provided however, that such action must take at the meeting scheduled for February 16, 2004.

This 30 day of January, 2004


Shirley Franklin, Mayor

ATTESTED:


Municipal Clerk

FORIS WEBB III
DEPUTY MUNICIPAL CLERK

Executive Order
Office of the Mayor
City of Atlanta

RECEIVED

AUG 19 2003

MINISTER CLERK

EXECUTIVE ORDER NUMBER 2003- 5

BY THE MAYOR

DIRECTING THAT THE BUREAU OF PLANNING ACCEPT NO APPLICATIONS FOR PERMITS TO OPERATE PERSONAL CARE HOMES UNTIL SUCH TIME AS THE CITY COUNCIL HAS TAKEN FINAL ACTION ON AN ORDINANCE PROPOSING THE REINSTITUTION OF THE INTERIM CONTROLS ON THE ISSUANCE OF SUCH PERMITS UNTIL JANUARY 30, 2004.

WHEREAS, Ordinance 03-O-0060 placed interim controls on the acceptance of permits for the operation of Personal Care Homes, for the purpose of: updating the Personal Care Home Map in the Bureau of Planning; creating and adopting new procedures for the processing of such applications; and proposing and adopting amendments to the Zoning Ordinance updating the terms and definitions associated with Personal Care Homes; and

WHEREAS, the Bureau of Planning created the Personal Care Home Committee ("PCHC") to accomplish those tasks; and

WHEREAS the PCHC has found that the completion of its tasks requires additional time and requires coordination with the Mayor's Commission on Homelessness; and

WHEREAS, Ordinance 03-O-0060 expired by its terms on August 12, 2003, and

WHEREAS, a new ordinance placing interim controls on the acceptance of permits for the operation of Personal Care Homes, is proposed for introduction at the August 18, 2003 meeting of the Atlanta City Council for the same purposes and prior to the time that final action of the City Council can be taken, there exists the strong possibility that numerous applications would be filed with the Bureau of Planning circumventing the purposes of the interim controls; and

WHEREAS such Personal Care Home applications would be analyzed under the current regulations imposed by the City of Atlanta Zoning Ordinance unless an executive order is issued which directs the Bureau of Planning that no such applications can be accepted until the final action of the City Council on the ordinance which extends interim controls until January 30, 2004;

WHEREAS, pursuant to Section 2-182 of the Code of the City of Atlanta, the Mayor may issue executive orders which apply to events of short duration and which expire at